



#AF/3728
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

GALBRAITH et al.

Serial No. 10/053,499

Filed: January 18, 2002

Group No.: 3728

Examiner: Marie D. Patterson

Atty. Docket No. 02-093-US

FOOTWEAR INSOLES

RECEIVED
JUN 29 2004
TECHNOLOGY CENTER R3700

**NOTICE OF APPEAL TO THE BOARD
OF PATENT APPEALS AND INTERFERENCES**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby appeals from the decision of the
Primary Examiner, mailed December 23, 2003, finally rejecting
Claims 1-7 and 12-36.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being

MAILED

☒ deposited with the United States Postal Service on June 21, 2004 with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

FACSIMILE

☐ transmitted by facsimile on [date] to the U.S. Patent and Trademark Office.

- Lori B. Amoroso

Type Signature Name

Lori B. Amoroso
(Signature of person mailing paper or fee)

(Signature of person mailing paper or fee)

06/25/2004 CNGUYEN 00000101 10053499

01 FC:2401
02 FC:2253

165.00 OP
475.00 OP

1. Status of Applicant

This application is on behalf of:

☒ a small entity - verified statement

☐ is attached.

☒ was already filed on September 12, 2002.

☐ other than a small entity.

2. Fee for Filing Notice of Appeal

Pursuant to 37 C.F.R. 1.17(e), the fee for filing the Notice of Appeal is::

☒ small entity \$165.00

☐ other than a small entity \$330.00

Notice of Appeal fee due \$165.00

3. Extension of Term

NOTE: The time periods set forth in 37 C.F.R. 1.191 are subject to the provision of § 1.136 for patent applications. 37 C.F.R. 1.191(d) (But see 37 C.F.R. 1.645 for extension of time in interference proceedings and 37 C.F.R. 1.550(c) for extension of time in reexamination proceedings.)

The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

- (a) ☒ Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a) (1) - (a)(5)) for the total number of months checked below:

	<u>LARGE ENTITY</u>	<u>SMALL ENTITY</u>
<input type="checkbox"/> one month	\$ 110	\$ 55
<input type="checkbox"/> two months	\$ 420	\$ 210
<input checked="" type="checkbox"/> three months	\$ 950	\$ 475
<input type="checkbox"/> four months	\$1,480	\$ 740
<input type="checkbox"/> five months	\$2,010	\$1,045
Fee:	<u>\$amount</u>	<u>\$475.00</u>

If an additional extension of time is required, please consider this a petition therefor.

- ☐ An extension for [No.] months has already been secured. The fee paid therefor of \$[Amount] is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$[Amount]

or

- (b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

4. Total Fee Due

The total fee due is:

Notice of Appeal fee	\$165.00
Extension fee (if any)	\$475.00
TOTAL FEE DUE	\$640.00

5. FEE PAYMENT

☒ Applicant encloses herewith a check in the amount of \$165.00 for the fee for the Notice of Appeal and a check in the amount of \$475.00 for the 3 month extension of time for a total sum of \$640.00.

☐ The Director is authorized to charge the \$[amount] to Deposit Account No. 18-0582. A duplicate copy of this petition is attached.

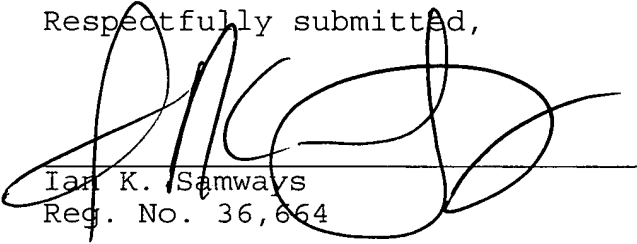
6. FEE DEFICIENCY

☐ The Director is authorized to charge the \$[amount] to Deposit Account No. 18-0582 if any additional extension and/or fee is required. A duplicate copy of this petition is attached.

☒ The Director is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 18-0582. A duplicate copy of this petition is attached.

Respectfully submitted,

Dated: June 21, 2004


Ian K. Samways
Reg. No. 36,664

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(412) 288-4160

Agent for Applicants